



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

MEMORANDUM FOR: Susan A. Kennedy
Deputy Director, Office of Policy and Strategic Planning

FROM: William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries

SUBJECT: Environmental Assessment and Finding of No Significant Impact -
Jordan Property/Hylebos Creek Off-Channel Restoration Project

The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the Jordan Property/Hylebos Creek Off-Channel Restoration Project, Commencement Bay, Fife, Washington. This project is sponsored by the Commencement Bay Natural Resource Trustees and designed to help restore natural resources injured by the releases of hazardous substances or discharges of oil in Commencement Bay, Tacoma, Washington.

NOAA prepared this Environmental Assessment (EA) to set forth: (1) its decision-making authority for this project, (2) its determination that an alternative (Alternative 6a, Meandering Creek Transition to Dendritic Marsh) other than the No Action Alternative or the more technical or intensive alternatives would be the most ecologically sound alternative, and (3) its determination that an environmental impact statement (EIS) will not need to be prepared for this project.

The Trustees determined that regrading six acres of property along Hylebos Creek to create channels, backwater pools, and saltwater marshes using locally appropriate native plant communities would serve as rearing and feeding habitat for fish and wildlife species in the area as well as for juvenile salmon outmigrating in the Creek, including chinook salmon (*Onchorynchus tshawytscha*), a listed species under the Endangered Species Act (ESA; 50 CFR 223). The public and other interested parties have participated during public meetings in the evaluation of this site.

The project will be constructed in compliance with all permits required by the State and Federal regulatory agencies. The Biological Assessment for the project, and the informal consultations (National Marine Fisheries Service and the U.S. Fish and Wildlife Service addressing ESA and Essential Fish Habitat) for the Jordan Property/Hylebos Creek Off-Channel Restoration Project are part of the Administrative Record for this project. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Commencement Bay NRDA Restoration Plan and with the evaluation factors under the National Environmental Policy Act (40 CFR 1508.27). Based on a review of all of these factors and the referenced documents, NOAA and the Trustees concur with the U.S. Army Corps of Engineers and the City of Tacoma that the proposed activities would not have a significant effect on the quality of the human environment.



Based on my environmental review of the Environmental Assessment for the Jordan Property/Hylebos Creek Off-Channel Restoration Project, I have determined that no significant impacts to the quality of the human environment will result from the proposed action. I request your concurrence in the determination of a Finding of No Significant Impact. Please return this signed memorandum for our project files and for the Administrative Record.

I concur: _____ Date _____
I do not concur: _____ Date _____



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

DATE: March 21, 2005

MEMORANDUM FOR: William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries

FROM: *for* *Darryl Mayer*
Rolland A. Schmitten
Director, Office of Habitat Conservation

SUBJECT: Jordan Property/Hylebos Creek Off-Channel Restoration Project -
Environmental Assessment and Finding of No Significant Impact

The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the Jordan Property/Hylebos Creek Off-Channel Restoration Project, Commencement Bay, Tacoma, Washington. This project is sponsored by the Commencement Bay Natural Resource Trustees and designed to help restore natural resources injured by the releases of hazardous substances or discharges of oil in Commencement Bay, Tacoma, Washington.

NOAA prepared this Environmental Assessment (EA) to set forth: (1) its decision-making authority for this project, (2) its determination that an alternative (Alternative 6a, Meandering Creek Transition to Dendritic Marsh) other than the No Action Alternative or the more technical or intensive alternatives would be the most ecologically sound alternative, and (3) its determination that an environmental impact statement (EIS) will not need to be prepared for this project.

The Trustees determined that regrading six acres of property along Hylebos Creek to create channels, backwater pools, and saltwater marshes using locally appropriate native plant communities would serve as rearing and feeding habitat for fish and wildlife species in the area as well as for juvenile salmon outmigrating in the Creek, including chinook salmon (*Oncorhynchus tshawytscha*), a listed species under the Endangered Species Act (ESA; 50 CFR 223). The public and other interested parties have participated during public meetings in the evaluation of this site.

The project will be constructed in compliance with all permits required by the State and Federal regulatory agencies. The Biological Assessment for the project, and the informal consultations (National Marine Fisheries Service and the U.S. Fish and Wildlife Service addressing ESA and Essential Fish Habitat) for the Jordan Property/Hylebos Creek Off-Channel Restoration Project are part of the Administrative Record for this project. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Commencement Bay



NRDA Restoration Plan and with the evaluation factors under the National Environmental Policy Act (40 CFR 1508.27). Based on a review of all of these factors and the referenced documents, NOAA and the Trustees concur with the U.S. Army Corps of Engineers and the City of Tacoma that the proposed activities would not have a significant effect on the quality of the human environment.

The environmental review process has led NOAA to conclude that this restoration action will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared. A determination of a Finding of No Significant Impact (FONSI) is recommended. In accordance with NOAA Administrative Order 216-6, the EA and FONSI determination are attached for your environmental review, and the transmittal for concurrence by NOAA's Office of Policy and Strategic Planning.

Three (3) Attachments:

1. Environmental Assessment for Jordan Property/Hylebos Creek Off-Channel Restoration Project, Fife, Washington
2. Finding of No Significant Impact (FONSI)
3. Concurrence Memo for Office of Policy and Strategic Planning

Restoration Center
Office of Habitat Conservation
National Marine Fisheries Service

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION FORM

AUTHOR/RESPONSIBLE OFFICE: Jennifer Steger / NOAA Restoration Center

TITLE/DESCRIPTION: Environmental Assessment for the **Jordan Property/Hylebos Creek Off-Channel Restoration Project**, under the Commencement Bay Trustees

PRESENTATION/RELEASE DATE: March 21, 2005

MEDIUM: Print

PRE-DISSEMINATION REVIEW:

Name and Title of Reviewing Official: Chris Doley, Director NOAA Restoration Center

Pursuant to Section 515 of Public Law 106-554 (the Data Quality Act), this product has undergone a pre-dissemination review.

Signature Rebecca J Allen Date 3/21/05

SECTION 515 INFORMATION QUALITY DOCUMENTATION

I. Utility of Information Product

Explain how the information product meets the standards for **utility**:

A. *Is the information helpful, beneficial or serviceable to the intended user?*

This document is an Environmental Assessment (EA) prepared under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321 *et seq.*, pursuant to the Oil Pollution Act of 1990 (33 U.S.C. § 2701, *et seq.*) (OPA). The EA addresses potential impacts of the preferred restoration actions on the quality of the physical, biological, and human environments. The content of the EA is intended to inform members of the public concerning a proposed restoration project called the Olympic View Triangle Restoration Project.

B. *Is the data or information product an improvement over previously available information? Is it more current or detailed? Is it more useful or accessible to the public? Has it been improved based on comments from or interactions with customers?*

This document is a current information product that was previously unavailable.

C. *What media are used in the dissemination of the information? Printed*

publications? CD-ROM? Internet? Is the product made available in a standard data format? Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

It is printed on standard paper, and will also be electronically available on the NOAA Damage Assessment and Restoration Program's internet site. The product is legally required to be maintained in an administrative record by NOAA, which will be available to the general public in either the printed or electronic format.

II. Integrity of Information Product

Explain how the information product meets the standards for **integrity**:

- (A)** *All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.*

As with all electronic information disseminated by NOAA, the EA adheres to the above-referenced standards.

- B.** *If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business and financial information).*

Not applicable – the information product does not contain census, business, or financial data collected by NOAA.

- C.** *Other/Discussion (e.g., Confidentiality of statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100 - Protection of Confidential Fisheries Statistics; 50 CFR 229.11; Confidentiality of information collected under the Marine Mammal Protection Act)*

Not applicable – the information product does not evaluate or discuss fisheries statistics or information collected under the Marine Mammal Protection Act.

III. Objectivity of Information Product

- A.** *Indicate which of the following categories of information products apply for this product:*

- ☐ Original Data
- ☐ Synthesized Products
- ☐ Interpreted Products
- ☐ Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories
- ☐ Experimental Products
- ☒ Natural Resource Plans

☐ Corporate and General Information

B. *Describe how this information product meets the applicable objectivity standards (see the DQA Documentation and Pre-Dissemination Review Guidelines for Natural resource Plans, and the appropriate documentation needed here).*

1. *What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards?*

All electronic information issued by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act. The EA was also developed according to NEPA and applicable regulations.

2. *Was the Plan developed using the best information available? Please specify.*

The EA is based on the best information available, and includes specific information related to NRDA and the affected environment in the main document and appendices.

3. *Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?*

The EA is presented in an accurate, clear, complete and unbiased manner. The document is written in plain language for clarity in accordance with the NEPA regulations at 40 CFR 1502.8, and its supporting information is referenced in the main document and appendices.

4. *Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.*

The project has been reviewed, commented upon, and approved by the Commencement Bay Trustee Council and concerned citizens in the City of Tacoma. The EA has been reviewed internally by staff involved in NEPA compliance but not responsible for development of this EA. A codified process of review is imbedded in the NOAA policy for review of EAs that will require review and concurrence by NOAA Office of General Counsel, the NOAA Assistant Administrators Office, and the Office of Policy and Strategic Planning.